(27)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (c) No. 1483 of 2007

Petitioner	:	Smt. Chandra Lekha wife of Rajesh Sahu, aged about 26 years, Occupation-House wife, resident of Doomardih, Korba, Tahsil and District Korba (C.G.).
	Versus	
Respondents	:1.	The State of Chhattisgarh, Through-Collector, Bilaspur.
	2.	The Sub Divisional Officer, Forest, Korba (North)/Assistant Conservator of Forest the Prescribed Authority/Authorised Officer
	3.	The Appellate Authority and Conservator of Forest, Bilaspur Circle Chhattisgarh.

SB : Hon'ble Shri Satish K. Agnihotri, J.

Present: Mr. Malay Kumar Bhaduri, counsel for the petitioner.

ORDER

(Passed on this 14th day of March, 2007)

1. By this petition, filed under Article 227 of the Constitution of India, the petitioner challenges the legality and validity of the order dated 17.3.2006 (P/1) passed by the Prescribed Authority/Assistant Conservator of Forest, Korba (North) in Forest Case No. 5057/13 impounding the vehicle bearing No. C.G.12 ZD 2281 on the ground that the disputed vehicle was involved in transportation of tress cut illegally, the order dated 24.11.2006 (P/2) passed by the Appellate Authority-cum-Conservator of Forest, Bilaspur upholding the order dated 17.3.2006 passed by the Prescribed Authority and the order dated 9.2.2007 (P/3) passed by the IInd Additional Sessions Judge, Bilaspur in Criminal Revision Case No. 371/2006 upholding the orders passed by the Prescribed Authority as well as the Appellate Authority and dismissing the revision.

2. The indisputable facts, in nutshell, are that the disputed truck bearing No. C.G.12 ZD 2281 was involved in carrying forest wood cut illegally from the forest area, Korba. A forest case was registered and the

Prescribed Authority after having examining all the evidences held that the petitioner has violated Section 5 of the Chhattisgarh Van Upaj Vyapar (Viniyaman) Adhiniyam, 1969 and Indian Forest Act, 1927. Accordingly, vide order dated 17.3.2006 (P/1) the vehicle (supra) was impounded.

4. Against the said order passed by the Prescribed Authority, the petitioner preferred an appeal, being Appeal Case No. 29/2006, before the Appellate Authority-cum-Conservator of Forest, Bilaspur Circle. The Appellate Authority-cum-Conservator of Forest, by his order dated 24.11.2006 (P/2) confirmed the order dated 17.3.2006 passed by the Prescribed Authority and dismissed the appeal.

5. Against the said orders, the petitioner preferred a Criminal Revision, being Criminal Revision No. 371/2006, before the II[nd] Additional Sessions Judge, Bilaspur, which was also dismissed vide order dated 9.2.2007 (P/3), upholding the orders passed by the Prescribed Authority as well as the Appellate Authority.

6. I have heard learned counsel appearing for the petitioner and have perused the impugned orders passed by the court below and the Prescribed Authorities. There is no illegality, infirmity, impropriety or jurisdictional error to warrant interference with the orders, which are sought to be impugned herein.

7. It is well settled that the power to issue a writ of certiorari under Article 227 of the Constitution of India or the exercise of supervisory jurisdiction are to be exercised sparingly and only in appropriate cases where the judicial conscience of the High Court dictates it to act. (See **Surya Dev Rai vs. Ram Chander Rai and others**[1]).

8. As a result and for the reasons aforestated, this petition is dismissed.

Sd/-
Satish K. Agnihotri
Judge

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1. (2003) 6 SCC 675